IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6750 OF 2005

Mrs. Jyoti S. Kalani & Anr ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

.....

Mr. Rajendra i/b Mr.Q.A. Siddique, Advocate for Applicants.

Ms. S.V. Gajare, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 19TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 1196/SS/2005 which is pending in the Court of learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap**

Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778, in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

*****